UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

BRIAN L. MOHRING RAYNA L. MOHRING BK. No. 21-20803-CMB

Debtor. :

Chapter No. 13

Related to Document: 69

WILKINSBURG BOROUGH, :

Conciliation Date and Time: October 14, at 11:00 am.

Movant,

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BRIAN L. MOHRING, RAYNA L. MORNING AND RONDA J. WINNECOUR, ESQUIRE (TRUSTEE),

Respondents.

OBJECTION OF WILKINSBURG BOROUGH TO CONFIRMATION OF DEBTORS' AMENDED CHAPTER 13 PLAN DATED AUGUST 14, 2021

AND NOW, comes Wilkinsburg Borough ("Movant"), by and through its undersigned counsel, Jennifer L. Cerce, Esquire, and Maiello, Brungo & Maiello, LLP, and file the following Objection to Confirmation of Debtors' Amended Chapter 13 Plan dated August 14, 2021 and in support thereof, aver as follows:

- 1. On or about April 4, 2021 Brian L. Mohring and Rayna L. Mohring ("Debtors") filed a Chapter 13 bankruptcy case at the above-captioned bankruptcy number.
- 2. Movant, Wilkinsburg Borough is a secured creditor in the within bankruptcy case by virtue of delinquent municipal services fees owed by the Debtors.
- 3. On or about April 26, 2021 Movant filed secured Proof of Claim No. 5-1 at the within proceeding for delinquent municipal service fees in the amount of \$1,031.01.

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4. While Debtors' Amended Chapter 13 Plan lists the claim amount as set

forth in Movant's claim, the repayment terms are indefinite, providing for monthly

payments "when funds avail[able]."

5. Moreover, Movant's claim is not secured by a purchase money security

interest. Rather, trash collection services are lienable and fall within the ambit of the

Municipal Claims and Tax Liens Law of 1923, Act of May 16, 1923, P.L. 207, as

amended, 53 P.S. §7101, et seq.

6. Debtors' Amended Chapter 13 Plan fails to appropriately provide for the

Movant's claim.

WHEREFORE, Movant, Wilkinsburg Borough respectfully requests that this

Honorable Court deny confirmation of the Debtors' Chapter 13 Plan dated August 14,

2021.

Dated: September 1, 2021

Respectfully submitted:

MAIELLO, BRUNGO & MAIELLO, LLP

/s/ Jennifer L. Cerce

Jennifer L. Cerce, Esquire PA I.D. #81157 424 S. 27th Street, #210 Pittsburgh, PA 15203 (412) 242-4400 ilc@mbm-law.net

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing OBJECTION OF WILKINSBURG BOROUGH TO CONFIRMATION OF DEBTORS' AMENDED CHAPTER 13 PLAN DATED AUGUST 14, 2021 been served this 1st day of September, 2021 by first-class United States mail, postage prepaid, upon:

Gary William Short, Esquire 212 Windgap Road Pittsburgh, PA 15235

> Brian L. Mohring Rayna L. Mohring 5 Scenery Road Pittsburgh, PA 15221

Ronda J. Winnecour, Esquire Suite 3250, USX Tower 600 Grant Street Pittsburgh, PA 15219

/s/ Jennifer L. Cerce

Jennifer L. Cerce, Esquire PA I.D. #81157 424 S. 27th Street, #210 Pittsburgh, PA 15203 (412) 242-4400 jlc@mbm-law.net